

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,
ex rel. JOHN P. RAYNOR,

Relator,

v.

NATIONAL RURAL UTILITIES
COOPERATIVE FINANCE CORPORATION;
et al.,

Defendants.

Case No. 8:08-CV-48

**MOTION TO UNSEAL THE
COMPLAINT AND FIRST
AMENDED COMPLAINT**

Defendants National Rural Utilities Cooperative Finance Corporation, Sheldon C. Petersen, John J. List, and Steven L. Lilly respectfully move the Court to unseal the Complaint in this matter filed on January 31, 2008, and the First Amended Complaint in this matter, believed to have been filed on February 11, 2008. As set forth more fully in the accompanying Memorandum of Law, each of the False Claims Act allegations in Relator's Second and Third Amended Complaints have previously been disclosed in a series of lawsuits—one of which was filed in the time period between the First and Second Amended Complaints—involving Relator and Defendants. It is not clear based upon the unsealed record, however, when Relator first alleged each allegation in this matter. Defendants' Motion to Unseal the Complaint and First Amended Complaint should be granted because a comparison of the timing and content of public disclosures and Relators' allegations in this matter is highly relevant to an assessment of whether this Court has subject matter jurisdiction over Relator's claims.

Counsel for the CFC Defendants has conferred with counsel for the Government who does not oppose the motion. Counsel for the CFC Defendants has also conferred with Relator's counsel and Relator does oppose the motion.

Respectfully submitted this 26th day of October, 2010.

NATIONAL RURAL UTILITIES COOPERATIVE
FINANCE CORPORATION, SHELDON C.
PETERSEN, JOHN J. LIST, STEVEN L. LILLY,
Defendants.

By: /s/ Thomas J. Culhane

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CERTIFICATE OF SERVICE

It is hereby certified that on October 26, 2010, the foregoing Motion to Unseal the Complaint and First Amended Complaint was filed with the Clerk of the United States District Court using the CM/ECF filing system, effecting service upon those parties presently entitled to notice:

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Notice and a copy of the Motion has been served by mailing the same by regular United States mail, postage prepaid, on October 26, 2010, to the following non-CM/ECF System users:

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s/ Thomas J. Culhane